IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2007

CORAM

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

C.R.P.NPD.NO.244 OF 2006

Hairunnisa by her Power Agent
Muhamad Ali Jinnah .. Petitioner

Vs.

1.The Sub Collector,
Nagapattinam

2.Rajan Kattalai
attached to Sri Thiagarajasami
Devasthaam rep. by its
Hereditary Trustee
Dharmapuram Adeenam
Tiruvarur,
Naghapattinam District .. Respondents

This civil revision petition has been preferred under Section 115 C.P.C. against the judgment and order dated 15.11.2005 in I.A.No.66 of 2003 in LAOP No.9 of 1997 on the file of the learned Subordinate Judge, Tiruvarur.

For Petitioner : Mr.T.R.Rajaraman

For Respondent No. 2: Mr.S.Sounthar

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ORDER

An order of the learned Subordinate Judge, Tiruvarur made in I.A.No.66 of 2003 in LAOP No.9 of 1997 is the subject matter of challenge in this revision petition.

2.Admittedly, LAOP No.9 of 1997, on contest, came up for orders and actually an order was passed on 25.11.1998 and an application was originally filed by the revision petitioner to be added her as a party and accordingly, it was done. Even after it was closed and orders were passed, the petitioner filed an application in I.A.No.5 of 2003 before the Sub Court, Nagapattinam for reopening and the same was dismissed on 30.6.2003. Then, the matter was transferred to the Sub court, Thiruvarur and the

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instant application in I.A.No.66 of 2003 was filed for reopening and there was delay occasioned to an extent of 5 years.

3.The affidavit filed in support of the application is perused. So far as the affidavit is concerned, it does not make out any reason to be condoned, according to the learned counsel for the respondent. According to the learned counsel for the petitioner, originally an application was filed and the same was ordered. While the matter stood thus, now an opportunity should be given to put forth her plea and the matter has got to be reopened. The learned counsel for the respondent would submit that after passing the order in LAOP, the amount was disbursed. Having failed for a period of 5 years, now the revision petitioner has filed the petition for reopening and that too without making out any reason.

4.The court heard both sides. Having made an application to become a party and while it has also been ordered, now the instant application has been brought forth, after a period of 5 years. The affidavit does not make out any reason for such a huge delay being condoned. Now, the contention of the learned counsel for the revision petitioner is that in the instant case, the delay was not due to the revision petitioner, but the LAOP was closed without any reference whatsoever to the petitioner. Under these circumstances, the court is of the considered opinion that since there was a delay of 5 years and the application is bereft of any reason whatsoever, the order of the lower court has got to be sustained. Accordingly, it is sustained. This civil revision petition is dismissed. No costs.

vvk

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Subordinate Judge,
Tiruvarur.

+ one cc to Mr. S. Sounthar, Advocate sr no. 34265
+ one cc to Mr. T.R. Rajaraman, Advocate sr no. 34195

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